

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, April 30, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Stephen Koranda called the meeting to order at 7:04 p.m. Commissioners present: Greg Godwin, Eileen Mertz (7:15 p.m.), Jason Burnett, and Dan Popp. Commissioners absent: Paul Kilgore, Eric Schultz. Also present: Community Development Director Fred Sherman; engineer Victor Burks of Allenbrand-Drews & Associates, Inc.; engineer Joel Riggs of Peridian Group, Inc.; applicant agent John Amrein of Land Company; applicant Jim Lambie; and approximately twenty interested citizens.

II. Approval of Minutes

The minutes of the April 9, 2007, meeting, were approved by unanimous consent.

III. Consent Items

Chairman Koranda requested that Item No. 2, SP-07-04, be removed from the Consent Agenda.

1. FP-07-03

Consider a Final Plat for University Park Addition No. 3, a 22.03 acre planned multi-family residential development located at the northwest corner of the White Drive and University Drive intersection. The application is filed by Blvd. Development, L.L.C., and DGD Group; with engineering services provided by Peridian Group, Inc.

1. **APPLICANT:** The applicant is Blvd. Development, L.L.C., and DGD Group; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a tract of land containing approximately 22 acres.
3. **LOCATION:** The property is located on the northwest corner of the White Drive and University Drive intersection.
4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-03-18; Ord. 2218 for revised Preliminary Development Plan)
5. **ANALYSIS:** The applicant requests approval of a final plat for University Park Addition No. 3. This final plat is for the first phase of development of the University Park townhomes, consisting of 188 units of the 276 total unit townhouse development (FDP-06-04) approved by the Planning Commission at the January 22, 2007, meeting. The submitted final plat conforms to the approved preliminary and final development plans for this area regarding the overall configuration of lots and streets.

Lots, Tracts, and Benefit Districts

This subject property is within the University Park Benefit District areas that were established in March of 2004 for constructing White Drive and University Drive, and extending water and sanitary sewer lines and electrical service to parts of the University Park development.

The land areas that are dedicated as *tracts of land* on this final plat are where no buildings or improvements are to be constructed. Some of the tracts are open space areas, and other tracts are being dedicated for road accesses or storm water drainage improvements.

When the costs or "specials" for the University Park Benefit Districts are spread onto this property, they will be assessed only onto the final platted lots, and not on the platted *tracts of land*.

Tract A is for the private roads within this development. During the approval process of the revised preliminary development plan (PDP-06-07), the Planning Commission and City Council determined that public streets were not necessary for this development, and that private streets were acceptable if designed to meet the City's street standards closely. The changes in design included the elimination of the ninety-degree corners and designation of a separate tract of land for the private streets a minimum of 50 feet wide. The land area for the private streets is being platted as one tract of land to keep the area that would normally be dedicated as rights-of-way for public streets under the common ownership and control of the eventual Home Owners Association (HOA) for this development. If there is a decision in the future to convert these streets into publicly maintained streets, Tract A

could be dedicated as public rights-of-way with the appropriate signature of the HOA representative(s) and not require the signature of every property owner within this entire development.

Tract B is established as a wet-bottom drainage basin feature and will remain open space.

Tract C is on this plat is the southern half of a private access drive to the APAC Quarry property from University Drive to the west. The final plat of University Park Addition No. 1 established the rights-of-way for White Drive and University Drive. That plat also established, in error, the half rights-of-way for 163rd Street from University Drive west to the APAC Quarry property. Upon filing of the subject final plat, the 163rd Street public rights-of-way will be vacated. This land area is reserved as a tract of land, as well as the 30 foot wide tract of land on the north side of this half-section line on the final plat of Genesis at Copper Springs II (FP-06-14), so that this area may be dedicated as public rights-of-way if it is determined in the future that a public street should be extended from University Drive west to or through the APAC Quarry property. For now, there is no need for 163rd Street to be a public street from University Drive to the APAC Quarry property. This private access way was first established in 1951 as an access easement from Moonlight Road to the quarry property (Misc. Book 50 Page 30), and was recently amended to establish it as an access easement only from University Drive west to the quarry property (Book 200612 Page 006379).

Tracts D and E are open space areas that will not have any buildings, and are established to equitably spread the University Park Benefit Districts' costs onto the buildable lots of this development.

Lots (Lot 35), Tracts, and Excise Tax

Typically, an area platted as a *tract of land* is deemed to be non-buildable, and the payment of excise tax is deferred until the tract is replatted into a lot of record, or the excise tax is exempted if it meets the established criteria. This was the case with the final plat of University Park Addition No. 1, the rights-of-way for University Drive and White Drive were established via the plat and all other land areas were platted as a tract of land. This entire subject property is currently platted as Tract B, University Park Addition No. 1.

This property is zoned to the RP-3; Planned Garden Apartment, zoning district and the approval of a preliminary and final development plan must occur before any development and construction activity is allowed. A final development plan (FDP-06-04) was approved by the Planning Commission on January 22, 2007, for the first 188 units of the 276 total unit townhouse development. This first phase of development will occur on the southern portion of the property, or on all land areas of this final plat except on Lot 35.

Development on Lot 35 will require the approval of a new final development plan by the Planning Commission, and the land area of Lot 35 will need to be replatted into individual lots and tracts of land, similar to what is being done on the southern portion of this subject property. Normally, Lot 35 would be platted as a tract of land, but it is being platted as a lot to facilitate the administration of the University Park Benefit Districts.

Excise taxes will not be collected on Tract B, Tract C, or Lot 35. The excise taxes for these land areas will be collected when Lot 35 is replatted for a future phase of construction of this townhouse development.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for University Park No. 3 (FP-07-03) and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following conditions:
 - a. Prior to recording of the final plat, all additions and corrections as noted by the engineering division shall be completed.
 - b. Prior to recording of the final plat, the required excise tax shall be paid on all land areas except Tract B, Tract C, and Lot 35.
 - c. No development may occur on Lot 35 until a final development plan has been approved and the land area has been replatted.

3. Successive Application for Proposed Granite Springs Commercial

Consider allowing a Rezoning Application to be submitted for the proposed Granite Springs commercial development area, located at the northeast corner of the 167th Street and Waverly Road intersection.

1. **APPLICANT:** Jabez Investments, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The rezoning request Z-06-08 to rezone 34.4 acres of property from A, Agricultural District, to CP-2, Planned General Business District, was denied by the City Council on November 6, 2006, by a four to one vote. This rezoning was the second rezoning case on the subject property. Rezoning request Z-06-03, to rezone 47.64 acres from A, Agricultural District, to CP-2, Planned General Business District, and RP-3, Planned Garden Apartment District, was first considered by the Planning Commission at the February 27, 2006 meeting.

The applicant for the Granite Springs development area requests to be allowed to submit a new rezoning application for a proposed commercial area at the northeast corner of 167th Street and Waverly Road prior to the 12 months from the City Council action on Z-06-08, as set forth by City code. Article 15-1520 of the Zoning Ordinance states:

16-1501. LIMITATION ON SUCCESSIVE APPLICATIONS.

- 1520.1 *No application for rezoning request, special use permit, or conditional use permit by a landowner or a landowner's agent shall be accepted if any application for substantially the same property has been filed and advertised for public hearing within the preceding twelve (12) months.*
- 1520.2 *For purposes of subsection A, the preceding 12-month period shall be determined as follows:*
 - A. *If there was final action (either approval or denial) on the prior application, the 12-month period shall run from the date of such action.*

- B. *If the prior application was withdrawn after being advertised for public hearing, the 12-month period shall run from the date the application was withdrawn.*
- 1520.3 *The Community Development Director shall determine if an application concerns "substantially the same property" as a prior application. The landowner may appeal any such determination to the Planning Commission.*

1520.4 *The Governing Body may waive the limitation in this section for good cause shown.*

The applicant wishes to submit a rezoning request that includes both the CP-2; Planned General Business District, and the C-O; Office Building District; similar to what was recently approved on the Sparks property on the northeast corner of the 167th Street and Center Street (Gardner Road) intersection. The applicant now has potential commitments and/or letters of intent from specific retailers for this location.

3. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission concur that a new rezoning application for the proposed commercial area of Granite Springs, located on the northeast corner of the 167th Street and Waverly Road intersection, which would include a CP-2; Planned General Business District, and a C-O; Office Building District, would not be substantially the same as previous rezoning applications for the subject area; and could be submitted for consideration prior to the 12 months from denial of rezoning case Z-06-08 by the City Council as set forth by City code.

The Final Plat for University Park Addition No. 3 (FP-07-03) was forwarded by unanimous consent to the City Council with a recommendation for approval of the rights-of-way and easements, subject to staff recommendations.

The Planning Commission concurred with City staff, by unanimous consent, that a new rezoning application for the proposed commercial area of Granite Springs would not be substantially the same as previous rezoning applications and could be submitted for consideration prior to the 12 months from denial of rezoning case Z-06-08.

IV. Agenda Items

(2) SP-07-04

Consider a Site Plan for New Century Business Center Addition #1, Phase 2, a modification to an existing commercial building located at 205 N. Stone Creek Drive. The application is filed by RJK Properties, L.L.C.; with engineering services provided by Peridian Group, Inc.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is RJK Properties, L.L.C.; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a site plan to expand the parking lot and modify the exterior of the southern façade of the existing 18,500 sq. ft. multi-tenant warehouse/office building.
3. **LOCATION:** The property is located on the east side of N. Stone Creek Drive, north of Lincoln Lane, addressed 205 to 265 N. Stone Creek Drive.
4. **EXISTING ZONING:** The property is currently zoned M-1, Restricted Industry District (Z-06-01; Ord. 2187).
5. **ANALYSIS:** A site plan for the Peridian Group Office Building, a 29,925 sq. ft. building containing seven attached tenant spaces, was approved by the Planning Commission on September 27, 2004 (SP-04-08). That site plan denoted that the northern four tenant spaces, about 18,500 sq. ft. of the total building space approved for this site, would be initially constructed, and the southern portion, 11,500 sq. ft. of building, would be constructed in a second phase. The southern extent of the building that was constructed on this site was left "un-finished" with exposed corrugated metal siding and no parapet, pending the construction of phase 2 of this development.

Industrial Park Overlay District

This property lies within the Industrial Park Overlay District as outlined by section 16-526 of the Zoning Ordinance, which was established to promote high-quality developments with an emphasis on aesthetics, compatibility, and overall site integration. The previously approved site plan adheres to the guidelines set out by the overlay district.

The western and northern elevations of the building have the lower halves banded with field stone veneer and brick, with the exception of large windows surrounding the doors to each tenant space. Above each entrance are standing seam metal roof awnings and spaces for tenant signs. The upper portion of the building is E.I.F.S. There is a parapet of varying heights creating an interesting roofline on the west elevation, and a flat parapet on the north elevation of the building. The proposed building elevations exceed the Industrial Park Overlay District architectural design standards.

Future Phase of Development – Modified Concept Plan

The applicant proposes to modify the layout and plans for the future phase of development of the subject site. A concept plan has been provided, which indicates that the southern portion of the site will be developed with a building that is attached to the first phase of development, but is set back about 80 feet east of the front of the existing building. This future building would be approximately 10,400 sq. ft. in size and could be divided into eight

tenant spaces. A new site plan with building elevations will need to be submitted and approved for this future building addition.

Proposed Site Plan

The subject site plan is for construction of six additional parking spaces and a walkway on the south side of the existing building, adding a new access door, and finishing the southern façade of the existing building with similar architectural improvements that are on the north side of the building. Unlike the northern façade, the southern side of the building is proposed to have only one access door and no windows.

Proposed User – M-1 Zoning District

The applicant has indicated that the southern tenant space is being finished for a Sherwood-Williams paint distributor. The proposed floor plan for this tenant space denotes a portion of the floor area devoted to display and sales, with the majority of the tenant space used for staging, storage, and paint mixing. It has been stated that a majority of the sales portion of the business will be to contractors and professional painters, but there could be some retail sales to the general public. The M-1 zoning district does allow for some retail sales: *Item Z. Retail sales of commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises.*

Signage

The sign code does not limit signs for a multi-tenant building to individual tenant space areas only along the front façade of the building. Based on the approved building elevations, staff approves signs for each individual tenant space. Tenants that lease multiple spaces are not allowed to place one larger sign over multiple tenant space entrances. Staff also only calculates the size of signs based on individual tenant lease space areas. Signage on the side of the building shall be limited to the allowed signage size for the front, or western, elevation of this building.

6. **STAFF RECOMMENDATION:** Staff recommends approval of a site plan for the Peridian Group Office Building (SP-07-04); subject to the following conditions:
 - a. The development shall be in accordance with Exhibit "A" which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
 - b. No signage is approved with the site plan. Separate sign permits are required prior to the installation of any signage.

Chairman Koranda asked if the south side of the existing building would remain a metal wall or would be upgraded to match the materials on the rest of the building. Joel Riggs of Peridian Group, Inc., engineer for the applicant, stated that the south side of the existing building would have the same building materials and appearance as the north and west sides of the building.

Mr. Riggs and the commissioners briefly discussed the final elevations of the south face of the building, and the proposed expanded parking lot.

Motion Godwin, second Burnett, to approve the Site Plan for New Century Business Center Addition #1, Phase 2, (SP-07-04), located at 205 N. Stone Creek Drive, subject to staff recommendations.

Motion to Approve Carried: 4 to 0 Aye (Kilgore, Mertz, Schultz: Absent)

1. PDP-07-01

Conduct a public hearing and consider a revised preliminary development plan, associated with rezoning request Z-05-09, for a .77 acre property located on the southeast corner of the Center Street and Kane Street intersection. The application is filed by Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc. *This item is to be tabled to the May 29, 2007, meeting, per applicant's request.*

1. **APPLICANT:** The applicant is Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a preliminary development plan for a multi-family residential development.
3. **LOCATION:** The property is located on the southeast corner of the Center Street and Kane Street intersection.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-05-09).
5. **ANALYSIS:** At the February 26, 2007, meeting, the Planning Commission voted to table consideration of this item to the March 26, 2007, meeting, which was subsequently cancelled. Since the initial discussion, the applicant has worked with staff on a revised layout. Because the revision process is not complete, it is necessary for the item to be tabled to the May 29, 2007, meeting, per the applicant's request.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table consideration of the Preliminary Development Plan for Kane Street Village, PDP-07-01, to the May 29, 2007, Planning Commission meeting.

Motion Godwin, second Mertz, to table the Preliminary Development Plan for Kane Street Village (PDP-07-01), located on the southeast corner of the Center Street and Kane Street intersection, to the May 29, 2007, Planning Commission meeting.

Motion to Table Carried: 5 to 0 Aye (Kilgore, Schultz: Absent)

2. FP-07-02

Consider a Final Plat for Kane Street Village, a .77 acre planned multi-family residential development located on the southeast corner of the Center Street and Kane Street intersection. The application is filed by Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc. *This item is to be tabled to the May 29, 2007, meeting, per applicant's request.*

1. **APPLICANT:** The applicant is Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a tract of land containing approximately .77 acres for a planned multi-family residential development.
3. **LOCATION:** The property is located on the southeast corner of the Center Street and Kane Street intersection.
4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-03-01).
5. **ANALYSIS:** At the February 26, 2007, meeting, the Planning Commission voted to table consideration of this item to the March 26, 2007, meeting, which was subsequently cancelled. Since the initial discussion, the applicant has worked with staff on a revised layout. Because the revision process is not complete, it is necessary for the item to be tabled to the May 20, 2007, meeting, per the applicant's request.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table consideration of the Final Plat for Kane Street Village, FP-07-02, to the May 29, 2007, Planning Commission meeting.

Motion Godwin, second Mertz, to table the Final Plat for Kane Street Village (FP-07-02), located on the southeast corner of the Center Street and Kane Street intersection, to the May 29, 2007, Planning Commission meeting.

Motion to Table Carried: 5 to 0 Aye (Kilgore, Schultz: Absent)

3. FDP-07-02

Consider a Final Development Plan for Kane Street Village, a .77 acre planned multi-family residential development located on the southeast corner of the Center Street and Kane Street intersection. The application is filed by Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc. *This item is to be tabled to the May 29, 2007, meeting, per applicant's request.*

1. **APPLICANT:** The applicant is Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a final development plan for a multi-family residential development.
3. **LOCATION:** The property is located on the southeast corner of the Center Street and Kane Street intersection.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-05-09).
5. **ANALYSIS:** At the February 26, 2007, meeting, the Planning Commission voted to table consideration of this item to the March 26, 2007, meeting, which was subsequently cancelled. Since the initial discussion, the applicant has worked with staff on a revised layout. Because the revision process is not complete, it is necessary for the item to be tabled to the April 30, 2007, meeting, per the applicant's request.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table consideration of the Final Development Plan for Kane Street Village, FDP-07-01, to the May 29, 2007, Planning Commission meeting.

Motion Godwin, second Mertz, to table the Final Development Plan for Kane Street Village (FDP-07-02), located on the southeast corner of the Center Street and Kane Street intersection, to the May 29, 2007, Planning Commission meeting.

Motion to Table Carried: 5 to 0 Aye (Kilgore, Schultz: Absent)

Chairman Koranda opened the public hearings for Item No. 4, Z-07-02; Item No. 5, Z-07-03; PDP-07-03; and Item No. 6, PP-07-03, concurrently at 7:20 p.m.

Director Sherman presented the staff reports for Item No. 4, Z-07-02; Item No. 5, Z-07-03; PDP-07-03; and Item No. 6, PP-07-03, concurrently.

4. Z-07-02

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to R-2 (Two Family Residential District) for a 16.39 acre property located ½ mile north of 167th Street on the west side of Gardner Road. The application is filed by Tony Plunkett; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Tony Plunkett with engineering services provided by Allenbrand-Drews & Associates, Inc., on behalf of John Chesney, property owner of record.
2. **REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District, to R-2, Two Family Residential District.
3. **LOCATION:** The 16.4 acre property is located ½ mile north of 167th Street on the west side of Gardner Road.
4. **EXISTING ZONING:** The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-12 on November 12, 2006. (Ord. 2223).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by unincorporated agricultural land to the north and west, unincorporated residential properties and Gardner Lake to the east, and agricultural land to the south, (approved for single-family residential uses by Z-06-10). To the southeast of the property is the APAC-Kansas quarry. The Development Plan Map shows this property to be reserved for low-density residential growth upon annexation and subsequent development.
6. **LAND USE AND ZONING PATTERNS:** The surrounding zonings are R-1, Single Family Residential District, to the south (Z-06-10); and Johnson County zoning RUR - Rural, with agricultural uses and single-family dwellings to the north, west, and east.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as six units per acre or less. The request for R-2 zoning conforms to the land uses as shown on the Community Development Plan Map.
8. **STAFF ANALYSIS OF THE APPLICATION:** The requested R-2 zoning district restricts the uses of property to two-family dwellings, commonly referred to as duplexes, plus churches, parks, schools, and group care homes with fewer than eight residents. A revised preliminary plat (PP-07-03) for this subject property has also been submitted for consideration based on rezoning requests Z-07-02 and Z-07-03 (also submitted for consideration at the April 30, 2007, meeting).
9. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward the request to rezone the Chesney Property, 16.4 acres of located ½ mile north of the 167th Street on the west side of Gardner Road, from R-1, Single Family Residential District, to R-2, Two Family Residential District, (Z-07-02) to the Governing Body with a recommendation for approval, with no stipulations.

5. Z-07-03; PDP-07-03

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-2 (Planned Two Family Residential District) for a 13.26 acre property located ½ mile northwest of the 167th Street and Gardner Road intersection. The application is filed by Tony Plunkett; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Tony Plunkett with engineering services provided by Allenbrand-Drews & Associates, Inc., on behalf of John Chesney, property owner of record.
2. **REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District to the RP-2, Two Family Residential District.
3. **LOCATION:** The 13.26 acre area for the subject rezoning request is located ½ mile north of 167th Street on the west side of Gardner Road.
4. **EXISTING ZONING:** The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-12 on November 12, 2006. (Ord. 2223).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by unincorporated agricultural land to the north and west, unincorporated residential properties and Gardner Lake to the east, and agricultural land to the south, (approved for single-family residential uses by Z-06-10). To the southeast of the subject property is the APAC-Kansas quarry. The Development Plan Map shows this property to be reserved for low-density residential growth upon annexation and subsequent development.

6. **LAND USE AND ZONING PATTERNS:** The surrounding zonings are R-1, Single Family Residential District, to the south (Z-06-10); and Johnson County zoning RUR - Rural, Agricultural uses and single-family dwellings to the north, west and east.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as six units per acre or less. The request for RP-2 zoning conforms to the land uses as shown on the Community Development Plan Map. Specific policies in the adopted Community Development plan regarding low density residential development include:
Policy 1.5: Promote Neighborhood Identity - Encourage the formation of neighborhood identity
Policy 2.4: Allow Small-Lot and Duplex Subdivisions
Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:
a) As a land use transition between lower-density development and land uses of higher intensities.
b) Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.
c) Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.
Policy 3.2: Encourage Proper Lot Orientation
Encourage subdivision design in which peripheral lots face inward toward the neighborhood of which they are a part, especially those lots which are adjacent to collectors or thoroughfares. No home shall front on a designated thoroughfare.
Policy 3.3: Provide for Extra Buffering in Special Circumstances
Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:
a) Berms
b) Landscape screening
c) Fences
d) Extra lot depth
Policy 4.1: Use Appropriate Transitional Methods
Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses about low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:
a) Building Relationships:
1) A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.
2) More intense residential uses should not have lesser setbacks than abutting low-density residential uses.
b) Land Features:
1) Promote the retention of stands of trees, natural vegetation, wetlands, and environmentally sensitive areas whenever possible to separate low-density residential developments from other more intensive land uses.
2) Where possible, use existing differences in topography to naturally separate low-density developments and other more intensive land uses.
c) Screening and Landscaping:
1) Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.
2) Avoid the use of fences as a sole means of providing screening and buffering.
3) Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.
4) Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.
Policy 4.2: Higher-Density Residential as Transitional Use
Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.
8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of a rezoning application for two-family residential development on 16.4 acres of land for 104 new residential units. The request conforms to the land uses set by the Community Development Plan, and is accessible by all applicable services.
The requested RP-2 zoning district restricts the uses of property to two-family dwellings, commonly referred to as duplexes. A preliminary development plan and general building elevations have been submitted for consideration with this request. The proposed RP-3 area would include 104 total duplex units on 52 individual lots, as well as a pool and clubhouse area. A private street system with 28' wide streets with sidewalks would loop north off 162nd Terrace. The general layout of this development is designed so that this proposed RP-2 development would be mostly a self-contained neighborhood.
The submitted elevations denote that the buildings within this development will be constructed with a slight off-set between each unit, and each side of a duplex building will have unique features to prevent it from being a "mirrored" duplex unit design.

Approval of a final development plan is typically not needed for individual planned duplex units like these being proposed. A final development plan, with specific landscaping improvements and other on-site improvements, would be needed for the construction of the pool and child play area

9. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward the request to rezone the Chesney Property, 13.26 acres located ½ mile north of 167th Street on the west side of Gardner Road, from the R-1, Single Family Residential District, to the RP-2, Planned Two Family Residential District, (Z-07-03) to the City Council with a recommendation for approval, subject to the following stipulations:
 - a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
 - b. The development shall be limited to 104 units.
 - c. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
 - d. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.

6. PP-07-01

Consider a Preliminary Plat for Park Place Estates, a 42.04 acre property located ½ mile north of 167th Street on the west side of Gardner Road. The application is filed by Tony Plunkett; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Tony Plunkett; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests preliminary plat approval (revised) for Park Place Estates.
3. **LOCATION:** The subject property is located on the west side of Gardner Road, ½ mile north of 167th Street.
4. **EXISTING ZONING:** The property is currently zoned R-1, Single Family Residential District (Z-06-12, Ord. 2223)
5. **ANALYSIS OF THE APPLICATION:** The applicant requests preliminary plat approval for a revision to Park Place Estates, based on rezoning request Z-07-02, rezoning 14.6 acres along Gardner Road to R-2; Two Family District, (49 lots) and rezoning request Z-07-03, rezoning 13.2 acres to RP-2, Planned Two Family District, (52 lots). The submitted preliminary plat also proposes 33 single family lots along the southern portion of the property. The Planning Commission previously considered a preliminary plat on this subject property for a 137 lot single family residential development on the entire 40 acres, zoned R-1, Single Family (PP-06-03). That preliminary plat was considered at the November 13, 2006, meeting with staff recommendation for denial, and was tabled for consideration for one month. The Planning Commission conducted a discussion item regarding different development scenarios for this property in December of 2006, but no final action was ever taken on the plat application for the subject property. All together, this revised preliminary plat is for 235 new residential units on 133 lots and one tract of land, contingent upon approval of the R-2 and RP-2 rezoning requests.

Planned Collector Street

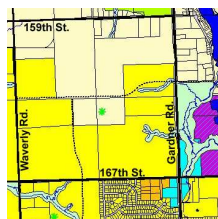
This preliminary plat mostly coordinates with the approved preliminary plat for Auburn Hills, the 160 acres to the south of the subject property. The primary design issue addressed with this plat was the need for and location of an east-west collector street off Gardner Road through this property. The adopted Community Development Plan includes following language:

Street Network

Kansas Planning and Zoning Statues authorize the city to establish an official map designating major streets (K.S.A. 12-756). The Major Street Map serves several purposes.

- *It designates streets by their "functional classification", a description of the purpose each type of street is supposed to serve.*
- *By adopting the Major Street Map, the city is granted authority to establish rights-of-way and setback requirements for each type of street thereby allowing the establishment of criteria for Subdivision Regulations for dedication of right-of-ways as a requirement of development.*
The street future network system is shown on the Future Land Use and Development Plan maps. These maps project collector and thoroughfare systems. Spacing of thoroughfares at one-mile intervals with collectors located generally at each half-mile junction is in accordance with city policy. Interruptions occur, however, where freeways or major public uses appear.

The adopted Community Development Map shows an east-west collector thoroughfare, aligned with the existing 162nd Terrace off Gardner Road (see below). This revised preliminary plat now includes this planned collector thoroughfare.



Engineering Issues – Stormwater and Sanitary Sewer Designs

City engineering staff has expressed concerns to the applicant's engineers regarding the proposed engineering design of the sanitary sewer system and the proposed lift station(s) on this property. The submitted preliminary plat denotes the need for a possible lift station near the entrance into this subdivision off Gardner Road. The City's North Lift Station project, located on the east side of Gardner Road to the south of the subject property, was conceptually sited to allow the sanitary sewer from this subject property to gravity flow to that new facility. This will probably require that the design of the sanitary sewer service lines within this subdivision be coordinated with the design of the sanitary sewer plans in the Auburn Hills subdivision to the immediate south.

There is also a need for additional detailed analysis to be submitted regarding storm water detention requirements per the City's recent adoption of American Public Works (APWA) 5600 Stormwater detention standards. The submitted preliminary plat denotes that lots 69 and 70 could be used for storm water detention areas if necessary, which would reduce the total number of new residential lots by two and the total new residential units by four.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the submitted Preliminary Plat for Park Place Estates (PP-07-03), a single family and two family residential development located on the west side of Gardner Road, ½ mile north of 167th Street, subject to the following stipulations:
- Approval of Z-07-02 by the Governing Body.
 - Approval of Z-07-03 by the Governing Body.
 - Prior to the submittal of a final plat, the developer shall submit a Final Stormwater Management Study to City engineering staff that addresses any remaining comments on the Preliminary Stormwater Management Study and addresses any changes made during design.
 - Prior to the submittal of a final plat, the development shall submit preliminary sanitary sewer construction designs to City engineering staff regarding the need for construction of a proposed sanitary sewer lift station near Gardner Road vs. gravity feeding the sewer lines into the Auburn Hills subdivision to the south.

Chairman Koranda invited questions from the commissioners.

Chairman Koranda asked about future plans for the property north of the subject properties. Director Sherman stated that, while there were no pending plans for that property, it was expected to be developed for low density residential uses.

Chairman Koranda invited comments from the applicant. Vic Burks of Allenbrand-Drews, Inc., engineer for the applicant, stated that he had nothing to add to the staff report and would be happy to answer any questions from the commissioners.

Chairman Koranda invited comments from the commissioners. Commissioner Mertz stated that she would like to see the elevations for the proposed R-2 district. Mr. Burks displayed the elevations and landscaping plan, and briefly explained the landscape plan and monument sign design.

Chairman Koranda invited comments from the public.

Kimball Bryan, 16295 Gardner Road, expressed his concerns regarding:

- the detrimental impact of the density and appearance of the proposed development on the long established character of the existing neighborhood;
- the potential detrimental impact of the proposed multi-family development on the surrounding single family residential neighborhood;
- potential increased traffic problems caused by the higher density of the proposed development;
- the overall balance of multi-family residential to single family residential in Gardner as compared to Olathe; and
- potential increased stormwater run-off problems onto Gardner Road and his property caused by the proposed development.

Matt Lein, 16045 Gardner Road, stated that Mr. Kimball's statements represented all of the surrounding property owners, who had been informed of the proposed development by the applicant at a recent neighborhood meeting. He clarified that he would have no

objections to single family residential development of the subject property, but he was concerned about the potential stigma of low income, run-down rental properties that often accompanied duplex developments.

Vanessa Cunningham Marriott, 29715 W. 159th Street, one of the trustees of the properties immediately north and west of the subject property, agreed with the concerns of the previous speakers. She added her concerns regarding:

- the high number of duplexes (and residential density) proposed for the subject property;
- the indicated single car garages proposed for the RP-2 zoning district that would limit available parking spaces for residents and cause excessive parking along the streets;
- the potential detrimental impact to future single family residential development of her properties adjacent to the subject properties; and
- potential property maintenance problems caused by absentee landlords of the duplexes.

Mike Murphy, 16145 Gardner Road, expressed his concerns regarding:

- the need for necessary right-of-way and easement acquisitions on the subject properties for any future widening and straightening of Gardner Road;
- potential sewer assessments against the current surrounding property owners generated by the needs of the proposed development;
- the need for all of the proposed duplex properties to be planned zoning districts so that the submitted building elevations could not be changed or downgraded;
- the need for the proposed single car garages to be enlarged to facilitate more parking spaces; and
- the surrounding property owners' preferences for the area proposed for RP-2 zoning to retain its R-1 zoning designation.

Chairman Koranda asked if the proposed multi-family uses conformed to the comprehensive plan. Director Sherman explained that the Community Development Plan did not designate specific zoning areas, but set preferred density designations for areas, such as low, medium, and high density uses. He added that there were also no transition styles set forth by the Community Development Plan. He noted that the comprehensive plan did generally move higher density uses further west away from the existing homes, but the proposed neighborhoods were oriented into themselves, not toward Gardner Road and the existing residences.

Chairman Koranda commented that duplexes were traditionally used to transition from single family residential uses to more intense uses such as retail or industrial, but the proposed development would place duplex uses between single family residential uses. Director Sherman stated that the applicant wanted to utilize the denser duplex plan to make development of the property economically feasible, since the City would require the developer to construct an east/west collector street within the development. He added that the proposed design of the project would make the development more self-contained than usual, and would not necessarily dictate a continuation of the duplex uses for future development of adjacent properties.

Chairman Koranda questioned the viability of the proposed dense housing development in the current slower housing market. Mr. Burks explained that the applicant wanted to

offer a variety of housing options to address the current changing housing market, and to help offset the costs of construction the collector street.

Chairman Koranda asked if the applicant had determined a price range for the duplexes. Mr. Burks explained that the proposed style and design of the residences would more appropriately be called attached housing, and the units along Gardner Road would probably sell for close to \$190,000. He added that the developer would form a homeowners association and its covenants would address property maintenance requirements.

Chairman Koranda asked why the developer was requesting R-2 and RP-2 zonings rather than just one or the other. Mr. Burks explained that the developer wanted to provide a wider variety of housing options.

John Amrein, agent for the applicant, explained that by having R-1, R-2, and RP-2 zonings, the developer could offer several different products to homebuyers. He stated that the twin villas planned for the R-2 zoning area would probably sell for approximately \$200,000 per unit. He added that the proposed single car garages in the RP-2 area would be deep enough to park two cars. He displayed and briefly discussed some duplex elevations.

Chairman Koranda asked Mr. Amrein to address the concerns about excessive parking along the streets in the RP-2 area because of the single car garages. Mr. Amrein stated that the deep garages would allow two car stacking, plus the driveways would provide parking areas. Mr. Burks stated that the streets in the RP-2 area would be private, and the homeowners association covenants could stipulate no on-street parking.

Commissioner Popp asked if the builder would use multiple construction designs or just repeat one building plan throughout the development. Director Sherman stated that most of the buildings in the RP-2 area would be of the same basic design.

Jim Lambie, a partner of the applicant, explained that, as a builder, he would utilize three different elevations for the duplexes and would try to vary them to create a nice streetscape. He added that the RP-2 zoned area would be maintenance provided, so that whether the units were owner occupied or rentals, the properties would be properly maintained.

Chairman Koranda asked for an explanation of the number of multi-family units in relation to single family residences in Gardner as compared to Olathe. Director Sherman explained that Gardner was lower in multi-family and duplex units in general than the Johnson County area as a whole.

Chairman Koranda asked Director Sherman to address the traffic and street congestion concerns. Director Sherman discussed the street and road configurations of the general subject area, and potential Gardner Road improvements, easements, and rights-of-way. He stated that Gardner Road was considered a major thoroughfare, and that its current condition would be able to accommodate expected traffic from the proposed development at an acceptable level of service.

Chairman Koranda asked Director Sherman to address the storm water run-off and drainage concerns. Director Sherman explained that all developments had to comply with APWA standards which required drainage plans and designs that would allow no additional run-off from the developed property than what occurred prior to its development. He also briefly explained the concepts of two year storms, five year storms, and one hundred year storms. He pointed out that the submitted preliminary plat for the subject properties indicated storm water retention and detention areas.

Chairman Koranda asked Director Sherman to address the sanitary sewer assessment concerns of the surrounding property owners. Director Sherman stated that the sanitary sewer plans for the proposed development would not affect the properties east of the subject properties. He explained that the sanitary sewer system, which would be constructed and paid for by the developer, would either be routed to the property to the south and then pumped via a new lift station to the treatment plant, or might possibly be routed in whole or in part directly to the newly constructed north lift station on the east side of Gardner Road. He added that the City did not levy sewer assessments.

Chairman Koranda asked if the proposed project warranted a traffic study. Director Sherman stated that City staff did not expect any adverse impact on the level of service that would warrant such a study.

Mr. Lein stated that, while the surrounding property owners acknowledged that the developers intended to create a nice residential development, their major concern had not been fully comprehended by the commission. He restated his concerns that the proposed multi-family development would have a detrimental impact on the overall character of the surrounding single family residential neighborhood, and it would also have an impact on future development of the properties to the north and west. He strongly expressed his opinion that a duplex project created an impression that would diminish the neighborhood and the quality of life of the residents who had resided in the area for a long time.

James Henningson, 16115 Gardner Road, stated that the proposed duplex development would adversely impact the general subject area because it would be very out of character from the surrounding existing residences and long established character of the neighborhood. He added that the commission's decision would strongly impact the quality of life of the surrounding property owners, most of whom had lived in the area for a long time.

Chairman Koranda explained that, though the commissioners might sympathize with the quality of life concerns of the surrounding property owners, they were legally bound to dispassionately consider only the facts pertinent to the applications presented to them and how they complied with the City's adopted code regulations and plans.

Mr. Murphy restated the desire of the surrounding property owners that, if the commission decided to allow duplex development on the subject properties, they would require it all to be a planned district so that the submitted building elevations could not be changed or downgraded at a later date.

Director Sherman explained that the commission could not change the R-2 rezoning request to a planned zoning district because that action was not allowed under the

lesser change table in the City Code. He stated that only the applicant could request a planned zoning district.

Chairman Koranda asked the applicant if he would be interested in requesting a planned district for the R-2 side. Mr. Lambie stated that he preferred to go forward with his request for an R-2 district along Gardner Road so that the area would be open to a greater number of builders with various elevation designs.

Motion Mertz, second Godwin, to close the public hearing at 8:47 p.m.

Motion Carried: 5 to 0 Aye (Kilgore, Schultz: Absent)

Commissioner Mertz stated that she had ex parte communication with Mr. Amrein, Mr. Smith, and Mrs. Murphy. She asked if the Planning Commission could stipulate a condition of approval for the R-2 rezoning request that the constructed buildings had to be similar to the elevations displayed to the commissioners, or that masonry elements had to be utilized on the rear of the residences that backed onto Gardner Road. Director Sherman explained that such stipulations worked best for planned zoning districts because the conditions of approval would be tied to the zoning approval. He added that specific elevation stipulations attached to regular zoning districts, which weren't planned districts, would be very difficult to enforce through the permitting and construction process.

Mr. Burks stated that Mr. Lambie would agree to place Commissioner Mertz's stipulations regarding the use of masonry elements on the rear elevations of the buildings adjacent to Gardner Road in the homeowners association covenants.

Commissioner Mertz stated that she would prefer the entire subject area to remain as a single family residential district, but she understood the developer's economic need, due to the required collector street, to develop the properties with two family residences. In light of that, she approved of the development plan that placed the R-2 area along Gardner Road, and thought that the rear elevations of those duplexes would look like single family residences. She added her approval of the amenities and maintenance provisions for the requested RP-2 area, and stated that, because that area would be self-contained, it shouldn't adversely impact future development of the properties north and west of the subject property. Commissioner Mertz also stated her opinion that the proposed developers and builders had a reputation of building high quality homes.

Commissioner Godwin suggested that the developer should have a fencing plan for the properties along Gardner Road to ensure conformity if and when the individual homeowners fenced their yards. He expressed his concern regarding the safety of the sight distance between the intersections on the curve of the collector street.

Commissioners Godwin and Mertz and Director Sherman briefly discussed design standards for two family residential developments.

Mr. Lambie stated that all fencing in the development would be regulated by the homeowners association covenants, and would also require his approval prior to construction.

Mr. Lein asked if the homeowners association was mandatory and if the residences would have basements. Mr. Lambie stated that all the homes would have basements, and homeowners associations were standard features of all of his projects.

Chairman Koranda stated that the proposed development did not appear to conform to the Community Development Plan policies regarding transitional uses. Director Sherman discussed the applicant's attempt to provide density and use transitions in the general subject area while achieving economic feasibility for development of the subject properties.

Motion Mertz, second Popp, to forward the Rezoning Request for the Chesney Property (Z-07-02), located ½ mile north of 167th Street on the west side of Gardner Road, to the City Council with a recommendation for approval, subject to one condition of approval:

- a. The homeowners association covenants shall state that the residences adjacent to Gardner Road shall utilize masonry elements on a minimum of 25 percent of the elevations of the back portions of the buildings.

Motion to Forward Carried: 3 to 2 Aye (Koranda, Burnett: Nay; Kilgore, Schultz: Absent)

Commissioner Burnett stated that, though he understood the applicant's economic reasons for requesting the zoning changes, he believed that the existing single family residential zoning was more suitable for the subject area. Chairman Koranda concurred with Commissioner Burnett's reason for the vote against approval of the motion.

Motion Mertz, second Godwin, to forward the Rezoning Request for the Chesney Property (Z-07-03) and its associated Preliminary Development Plan for Park Place Estates (PDP-07-03), located ½ mile north and west of the 167th Street and Gardner Road intersection, to the City Council with recommendations for approval, subject to staff recommendations and one additional condition of approval:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The development shall be limited to 104 units.
- c. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
- d. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.
- e. The constructed buildings shall be similar in design to the three sets of elevations submitted to City staff, and shall not utilize mirrored elevations within the same single building structure.

Motion to Forward Failed: 2 to 3 Aye (Koranda, Burnett, Popp: Nay; Kilgore, Schultz: Absent)

Commissioner Popp stated that he did not like the high density of the proposed RP-2 area.

Commissioner Godwin stated that, while he had initially agreed with Commissioner Popp's dislike of the higher density, he considered the proposed amenities and quality of homes to be a reasonable trade-off for the RP-2 density.

The commissioners and Mr. Lambie discussed the amenities package for the proposed development.

Commissioner Burnett stated that he did not like the proposed density of the development or the overall use transition design.

Motion Popp, second Burnett, to forward the Rezoning Request for the Chesney Property (Z-07-03) and its associated Preliminary Development Plan for Park Place Estates (PDP-07-03), located ½ mile north and west of the 167th Street and Gardner Road intersection, to the City Council with recommendations for denial.

Motion to Forward Carried: 3 to 2 Aye (Godwin, Mertz: Nay; Kilgore, Schultz: Absent)

Motion Popp, second Burnett, to table the Preliminary Plat for Park Place Estates (PP-07-03), located on the west side of Gardner Road, north of 167th Street, to the May 29, 2007, Planning Commission meeting.

Motion to Table Carried: 3 to 2 Aye (Godwin, Mertz: Nay; Kilgore, Schultz: Absent)

V. Adjourn

Motion Mertz, second Godwin, to adjourn the meeting at 9:24 p.m.

Motion to Adjourn Carried: 5 to 0 Aye (Kilgore, Schultz: Absent)

Cindy Weeks, Planning Service Specialist
Community Development Department

ATTENDEES
of the
4-30, 2007
PLANNING COMMISSION MEETING

PLEASE SIGN

PLEASE PRINT

NAME	COMPANY (if applicable)	ADDRESS
JIM LANDIE	LANDIE GIER	8712 W 151 CIRCLE K 622
Kimball Bryan	-	16295 S. GARDNER RD
Patricia Murphy		16145 S. GARDNER RD
Mike Murphy		" " " "
Chadwick Murphy		14990 W. 167th Ave - Olmsted
Shonda Ford		15246 Long D. Rd
Varessa Marriott		29715 W. 159th Gardner
George Marriott		" W. 159th Gardner
Clifford Sparks		16530 S. GARDNER RD
Zenda Sparks		" " " "
Maia Outy		16185 S. Gardner Rd.
Quinn Bryan		16295 S. Gardner Rd

